

REMARKS

Claims 9-16 were previously withdrawn. Claims 1-3 and 6-8 stand rejected. Claims 4 and 5 have been cancelled while claims 1, 2, 3 and 8 have been amended. Furthermore, claim 17 has been added as a new claim. Therefore, claims 1-3, 6-8 and 17 are at issue.

As an initial matter, while the Office Action Summary indicates that claim 4 stands rejected, no substantive rejection is found in the present Office Action. Claim 4 does not stand rejected based upon prior art and is assumed to be allowable. Applicant has amended claim 1 to include only certain of the elements contained in dependent claim 4. Applicant believes that not all of the elements of claim 4 are required for claim 1 to be allowable.

Additionally, new claim 17 is presented and corresponds to claim 4, in independent form, so as to likewise be allowable.

35 U.S.C. § 103

Claims 1, 2, 6 and 7 stand rejected as being unpatentable over Kornblith in view of Joyce et al. and Adams et al. and Freshney. This rejection should be withdrawn. Specifically, claim 1, from which claims 2, 6 and 7 depend, has been amended to recite that the tissue sample is kept in the culture medium for a minimum of 2 hours but no longer than 24 hours at a temperature in the range from 4°C to 12°C to get adapted to said medium. This is not shown in the cited art. Therefore, as the cited references, taken alone or in combination, fail to disclose or suggest the recited steps, this rejection should be withdrawn.

Claims 1-3 and 6-7 stand rejected as being unpatentable over Kornblith and Joyce et al. and Adams et al. and Freshney and further in view of Freshney at p. 264. For the same reason as presented above, this rejection should also be withdrawn.

Claim 8 stands rejected as being unpatentable over Freshney. Claim 8 also depends from claim 1. As stated above, Freshney, fails to disclose or suggest at least one of the recited elements. Therefore, this rejection should also be withdrawn.

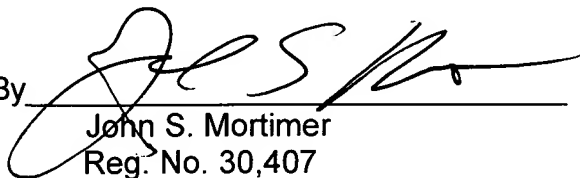
CONCLUSION

Applicant respectfully requests reconsideration of the rejection of claims 1-3 and 6-8 and allowance of the case. Should additional fees be required in connection with this matter, please charge our Deposit Account No. 23-0785 the necessary amount.

Respectfully submitted,

WOOD, PHILLIPS, KATZ,
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By



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